

Oaths and Affirmations

In December 1990 the Commission published its Report on [Oaths and Affirmations \(LRC 34 – 1990\)](#) as part of its First Programme of Law Reform.

In this Report, the Commission made six main recommendations including that the oath should be abolished for witnesses and jurors and for deponents submitting affidavits in all proceedings, civil and criminal. Any juror or any other person who at present may be required to take an oath in judicial proceedings should be required instead, before giving evidence whether *viva voce* or by deposition or affidavit, or before acting as a juror or in any other capacity in judicial proceedings, to make a solemn statutory affirmation. It goes on to recommend that, in both criminal and civil proceedings, the court should be able to hear the evidence of children under the age of 14 without requiring them to give evidence on oath or affirm where the court is satisfied that the children are competent to give evidence. A similar test of competence to give evidence should be adopted in the case of persons with mental handicap. Furthermore, it was recommended that the form of affirmation in the case of witnesses should be as follows:

“I, A.B., do solemnly, sincerely and truly declare and affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth. I am aware that if I knowingly give false evidence I may be prosecuted for perjury.”

Draft Legislation in Report

Draft legislative provisions, including form of oath, are included in the Report.

Information on Implementation

Recommendations of the Commission were implemented in part by the *Children Act 1997* and incorporated into the Third Programme of Law Reform (Projects 7, 8 and 11: see now [Report on Consolidation and Reform of Aspects of the Law of Evidence \(LRC 117-2016\)](#))